

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

UNITED STATES OF AMERICA

v.

JEREMY D. ZULLO

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File No. 1:09-cr-00064-jgm-2

ORDER

The Magistrate Judge's Report and Recommendation was filed January 26, 2017. (Doc. 1383.) Upon review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Jeremy D. Zullo's motion filed under Federal Rule of Civil Procedure 60(b)(6) as part of an effort to vacate his 2010 firearms conviction (Doc. 1363) is not a successive habeas petition, falls beyond the scope of Rule 60(b), and is DENIED on the merits.

The Court declines to issue an order requesting that the United States Attorney's Office reconsider its position on the vacatur of Zullo's conviction under 18 U.S.C. § 924(c).

Zullo has filed a letter with the Court contending the plea agreement between the parties and his subsequent guilty plea are invalid. (Doc. 1376.) If he chooses to pursue that claim, Zullo must file a motion with the Court, together with a certificate showing service of the motion on the government.

It is certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 20th day of March, 2017.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
United States District Judge